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ABSTRACT

The guide is intended to assist community groups in developing preschool programs, offering an outline of some of the procedural steps in organizing a child care program and a description of typical regulations found in State licensing codes governing establishment of such a center. Specific information is given on who may operate a child care center, the general steps necessary to open a center, licensing requirements that must be met, procedures for becoming licensed, and how to begin. It is pointed out that the development of a community program is not simple and that special arrangements may sometimes be necessary, such as establishing a coalition of several community groups or using an established well-known organization to act as fiscal agent on a temporary basis. Additional resources on licensing are listed. (LH)

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# Licensing Your Community Child Care Center

EDUCATION DIVISION NATIONAL URBAN LEAGUE

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## INTRODUCTION

This **Guide** is intended to assist community groups which seek to make self-determination a reality in pre-school programs for their children. It offers an outline of some of the procedural steps in organizing a child care program and a description of typical regulations found in state licensing codes governing establishment of such a center. Although each state has its own code, the facts offered here can prove helpful in terms of what to expect in any given situation and should help you in avoiding some of the pitfalls others have encountered.

Organizing a child care program and preparing a facility to house it are not simple tasks. But the great need for quality, community-directed pre-school services in minority and poor communities makes the effort a necessary and rewarding one. We hope that your group is successful!

Community groups and agencies across the country are becoming increasingly aware of the benefits of locally organized and controlled child care centers to serve community families. However, many groups find it difficult to get such programs off the ground because of the complex and often confusing nature of the licensing and other procedures and regulations which must be followed.

This is especially true of the licensing process. Following are a few examples of the kind of situations frequently encountered.

One enthusiastic group of parents found a vacant building in their neighborhood and made plans to use it for day care, only to discover its electrical wiring was ununsafe and it could not meet the local fire safety code without expensive renovations.

Another group was held up for many months while a new sewer line was dug for their center, without which they could not obtan an operating license.

A third community group simply gave up in frustration over the lack of response by licensing inspectors, not

knowing that assistance could be obtained from a local poverty program office.

In many instances, efforts to set up community-based child care centers are unsuccessful because staff cannot be found with the academic credentials necessary to meet state requirements.

The bureaucratic jungle surrounding the licensing process has an obvious and significant impact on the overall availability and nature of child care services in minority communities. It is generally the traditional, well-established entity—such as the School Board, a settlement house, or, increasingly, an industry or profit-making education enterprise—that has the staff, the experience and the connections to cut through the red tape involved in planning and licensing a child care facility. Groups dedicated to community control are left far behind and are forced to make do with services provided by others, with a minimum of parent input in overall program design and operation.

Furthermore, people in urban ghetto neighborhoods (those with the most critical need for child care centers) constantly face problems of poorly constructed buildings, lack of outdoor play space, uncooperative landlords, complicated zoning laws and unresponsive city and state agencies in their attempts to establish child care centers. Each of these represents a serious stumbling block to developing and housing a good child care program.

In spite of this bleak picture, it is possible to overcome the obstacles. Community groups and parents in many cities have succeeded in providing innovative, high quality comprehensive child care services for the children in their neighborhoods. The first essential step in reaching this goal is to become knowledgeable about the rules and procedures your group will be expected to follow.

## 1. Who may operate a child care center?

A child care center may be organized and operated by various types of sponsors, including:

- a non-profit community corporation or association
- an informal parent group
- a **public** institution or agency—e.g., Department of Health or Welfare, Board of Education, hospital or university
- a **private** institution or agency—e.g., church, settlement house, private hospital or college, or private welfare agency
- a labor union
- an industry or business
- an individual owner

As with all aspects of child care regulations, rules governing the sponsoring agencies, and how to become one, differ somewhat from state to state. Information on who can become a sponsor can be obtained from the Department of Welfare of each state.

## 2. What are the general steps necessary to open a center?

When your community group or agency decides to organize a child care program, the following general steps are usually necessary before actual services to children can begin.

a. **Collect information** on all aspects of child care in your city and state, including:

- the agencies and persons who must be contacted for licensing
- what the licensing codes require
- possible funding sources—both public and private—and the procedures and proposal deadlines for each
- agencies or organizations which might be included as part of a comprehensive child services program, such as local health and

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dental clinics, welfare offices, employment counseling offices, welfare rights organizations, food and nutrition services, training programs for child care staff.

b. **Gather community data,** such as:

- existing pre-school services
- numbers of families needing child care service
- general population data to describe the community
- buildings or vacant land which might be available for use as a center
- other community organizations—such as block clubs and church groups—who might join in a coalition of support for a child care center.

c. **Prepare proposals** for submission to state funding sources (usually the State Department of Welfare) and to whatever private sources might offer support for matching funds and planning costs. In order to prepare such proposals, the sponsoring group must make basic decisions about such matters as:

- overall objectives of the child care program
- the type of services to be offered: all-day or part-day? home care or center care?
- number, age, family income level, and any other qualifications for the children to be served
- number of staff, qualifications and job descriptions
- curriculum emphases: i.e., black studies? "open classroom"? traditional reading and writing?
- auxiliary services to be offered, such as family counseling, nutrition and health education
- agencies which will serve as supplementary resources
- who will make up the policy-making body and what powers it will have

- administrative procedures, i.e., the functions of administration, personnel, record keeping, purchasing
- budget necessary to carry out the program
- whatever additional information the funding source requires

d. **Select, acquire, and prepare facility** to be used for the center. In many urban communities an existing structure is chosen, one which can meet the necessary licensing code requirements without a great deal of renovation. In other communities, space in new construction or an entire new building can be devoted to child care.

Inspection of the building by the appropriate licensing officials should be arranged as soon as the site is identified so that necessary renovations or alterations can be made. (The general requirements for a facility to receive licensing for child care are described below in Section 3.) Because the supply of potential facilities is often limited, especially in deteriorating inner-city neighborhoods, the site selection process should begin early in the planning effort. Space in churches, partially utilized schools, or community centers should not be overlooked.

In renovating or constructing your center, there are architect/planner agencies which can work closely with you to design a facilities plan to meet the specific needs of your program. In some cities the architecture department of a college might provide this service; in others, advocacy-planner groups work directly with community groups to draw up blueprints. The physical features and layout of a learning environment should reflect the program's philosophy and will either enhance or detract from its objectives for the children.

e. **Select and train staff,** not only the teaching and administrative staff, but also the kitchen, custodial, health, and social services staff to be included in the program. All members of the staff

will, in some way, interact with the children in the center and should be considered as part of a team committed to carrying out the comprehensive educational/service program.

Staff can be trained by utilizing the services of special child care and child development consultants or by taking advantage of existing training programs in local universities and social agencies. In many communities, opportunities for on-going in-service training for staff members are also available.

f. **Select and orient families** in the community who will have children in the center. Parents should be informed of all aspects of the program and be actively involved in the final stages of the planning so that they can contribute to the process of determining how the program will function. Parent Advisory Committees, volunteer activities with the children at the center, family counseling and regular staff-parent conferences should be arranged as permanent features of the child care center's activities.

g. **Design specifics for program operation** including curriculum development, purchase of supplies and equipment, establishing cooperative relationships with other community services, medical examinations, food service arrangements.

## 3. What licensing requirements must a center meet?

As noted previously, the licensing requirements for child care centers vary from state to state. A group wishing to sponsor child care must obtain a copy of its state law(s) governing child care, usually from the Department of Welfare.

A state licensing code sets the **minimum** standards for the centers under its jurisdiction. Many of these standards are not considered adequate for anything but custodial baby-sitting by concerned parents and agencies. For example, the maximum size for each group in the center is often set as high as 20 children—much

too high for any pre-school group in the opinion of many professionals in the field of child development.

Any child care project that plans to use funds from the Federal government through Title IV-A (of the Social Security Act), or any other Federal program, must meet not only state standards, but also the standards detailed in the **Federal Interagency Day Care Requirements.*** These standards are generally higher than those in most state codes.

Although the licensing laws are not the same in any two states, the general areas covered by these laws and some of the typical component sections are listed below.

| Category | Typical State Regulations** |
|---|---|
| **a. eligibility** | |
| 1. number of children a center must have to fall within the jurisdiction of the code | 1. six or more children |
| 2. maximum size of each group within a center | 2. no more than 20 per group; often varies according to age of children |
| 3. ratio of children to adults | 3. varies considerably; from 4 to 1 to 20 to 1 |
| 4. age range of children covered by the code | 4. O to 16; there are often special regulations covering centers with children **under 3 years** or **over 6 years** |
| **b. staff qualifications** | |
| 1. educational level necessary for becoming a child care director, teacher, or teacher aide | 1. many states require some college training for both directors and teachers; codes generally do not specify requirements for aides |

*Available from the U.S. Department of Health, Education, and Welfare or Office of Economic Opportunity

**These regulations are for child care *centers* and may be different from those for child care *homes*.

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|---|---|
| 2. physical condition | 2. good physical health; physical examination and X-ray necessary (some states also mention "good character" as a requirement) |
| 3. age minimum and maximum | 3. minimum of 18 or 21; generally no maximum cited |

**c. facility**

| | |
|---|---|
| 1. general types of buildings acceptable | 1. it is frequently stipulated that buildings not be shared with certain other activities, such as a nursing or boarding home or business enterprise |
| 2. space requirements | 2. 25-35 square feet of floor space per child indoors; 60-100 square feet per child outdoors |
| 3. lighting level | 3. lighting must be adequate (some codes cite the minimum amount of light necessary) |
| 4. number of toilets and washbasins per child | 4. ratio varies from one toilet and one washbasin for every 10 children to one each for every 20 children |

**d. codes**

| | |
|---|---|
| 1. zoning | 1. must comply with local zoning laws (some states allow a temporary permit until a zoning change can be made) |
| 2. building | 2. sound structure, plumbing, electrical wiring |
| 3. fire | 3. must have alarm system, fire-proof materials, accessible fire escape |

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|---|---|
| 4. safety | 4. covered electric sockets and radiators, safe stairwells and equipment, adequate room temperature |
| 5. sanitation | 5. sanitary garbage storage and removal, sanitary drinking water, adequate ventilation |

**e. health standards**

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|---|---|
| 1. physical exams for children | 1. children must have complete physical examinations and standard immunization shots |
| 2. emergency arrangements | 2. the facility must have an emergency / isolation space in case of accidents or illness |

**f. miscellaneous items**

Many state codes have additional sections dealing with the following:

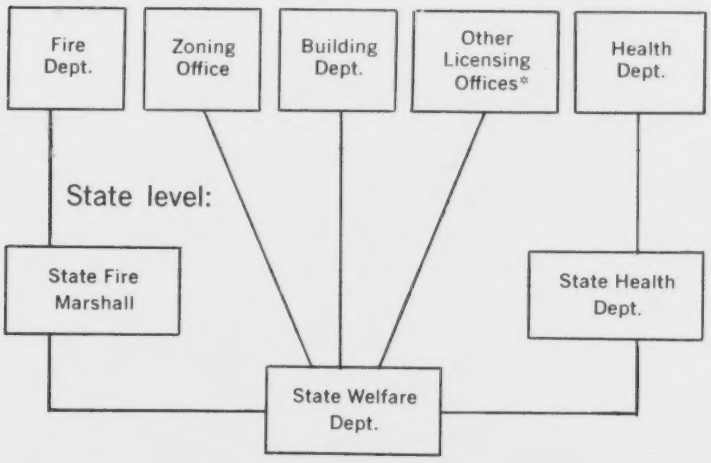
- record keeping
- program content, e.g., inclusion of quiet and active periods
- indoor and outdoor equipment, its quality and nature
- nutrition
- insurance
- transportation
- discipline

## 4. How does the center become licensed?

In almost all states, the agency responsible for licensing child care centers is the state Department of Welfare. Typically, that department works in cooperation with the state Health Department and Fire Marshall and with local building. zoning and other licensing agencies.

The process of inspections, evaluations and actual granting of licenses is complex in all states and often becomes extremely time-consuming and frustrating to the sponsoring group. In general, the licensing process in a state follows the lines indicated below:

Local level:




Although the state Welfare Department has the final authority over center licensing, it depends on local and other state agencies to actually carry out the inspections and make compliance decisions. Coordination of these several inspections and decisions is usually handled by a Licensing Worker from the Welfare Department. He or she has the responsibility of making sure that all necessary steps are taken and for making the official recommendation as to whether the center should receive an operating license.

*This category might include food service and handlers' permits, water supply certification, fire and sanitation clearance, or business license.

## 5. Where to begin?

In order to get through the maze of licensing applications, inspections, evaluations, etc., the preliminary steps are:

1. Contact your state Department of Welfare by phone or letter to indicate your group's interest in operating a licensed child care center
2. Your group is then assigned to a Licensing Worker who will assist you in fulfilling all necessary procedures and will coordinate the activities of all agencies shown on the chart above as they relate to your program
3. You will receive copies of all the appropriate licensing codes, standards and application forms required by your state
4. Arrange for the Licensing Worker to make an inspection visit to look over your facility, indicate what renovations or alterations will be necessary to meet code requirements, and suggest what your next steps should be in acquiring all local licenses leading to the overall state license.

In the course of steps necessary to acquire all the permits required to operate a center, you should stay in close contact with your Licensing Worker so that red tape does not halt progress toward bringing the program to an operational level.

It is not uncommon to experience delays during the licensing process. There are often lags of from 30 to 65 days between a request for an inspection and a final licensing decision. Because of this, requests to the different agencies involved should be submitted simultaneously to cut down on some of the waiting time.

In many states there is no fee for child care licenses; in others a fee from $5 to $50 per year is required. This information is also available from the state Department of Welfare.

If you feel that your group is getting a run-around or not receiving cooperation from your Licensing Worker,



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one of the following agencies may be able to provide assistance:

- local Community Coordinated Child Care (4-C) committee
- local or state Community Action Agency (Poverty Program) office
- local Welfare Rights Organization
- local Urban League affiliate
- area Model Cities office
- local Human Rights Commission
- local Legal Aid office
- local Welfare office

## Conclusion

The development of a community child care program is not a simple or quick process. A group wishing to engage in this activity must be willing to follow through on many details, to experience delays and frustrations and to work very hard toward meeting its goals.

In some cases it becomes necessary to work out special arrangements in order to get the ball rolling. For example, sometimes a coalition of several community groups can be more successful at getting funded than a single group. Other times, a new group might find it necessary to use an established, well-known organization—such as the Urban League or a community church—to act as its fiscal agent on a temporary basis. There is no specific procedure that is guaranteed to work for all groups.

An effort to simplify and standardize state licensing procedures and codes is currently underway, sponsored by the Office of Child Development and the Office of Economic Opportunity. Hopefully any revision of codes will make the licensing process less of a stumbling block to child care while maintaining high standards of safety for our children.

In the meanwhile, however, the need for child care will continue to increase and black communities will increasingly perceive the need for building their own institutions to serve black people. We hope that this **Guide** will assist groups attempting to develop quality, community-based child care programs to meet both of these crucial needs.

Additional resources on licensing:

**Abstract of State Day Care Licensing Requirements,** Part I (Family Day Care Homes and Group Day Care Homes) and Part 2 (Day Care Centers), 1971, Office of Child Development, Dept. of H.E.W.

**Basic Facts About Licensing of Day Care,** Day Care and Child Development Council of America, published 1970.

Class, Norris E., **Licensing of Child Care Facilities by State Welfare Departments: A Conceptual Statement,** 1968, Children's Bureau, Office of Child Development, HEW, Superintendent of Documents, U.S. Gov't Printing Office, Washington, D.C. 20402

Hughes, Edna and Dwight Ferguson, **Licensing: A Dynamic for Change,** 1962, Child Welfare League of America, 67 Irving Place, New York, New York 10003

Low, Seth, **Licensing Day Care Facilities for Children,** (National Survey of State Licensing DeDpartments), 1962, Children's Bureau Office of Child Development, Superintendent of Documents, U.S. Gov't Printing Office, Washington, D.C. 20402

**State and Local Day Care Licensing Requirements,** (Summary Report of Phase I, Day Care Licensing Study), 1971, Office of Child Development, 400 Sixth Street, S.W., Washington, D.C. 20005

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